UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

GPNE CORP.,)	Case No.: 12-CV-02885-LHK		
v. APPLE, INC.,	Plaintiff,)))	ORDER ALLOWING GPNE ADDITIONAL BRIEFING C INVALIDITY		
	Defendant.))))			

In its Motion for Summary Judgment of Noninfringement and Invalidity, see ECF No. 187, Apple, Inc. ("Apple") explicitly moved for summary judgment of invalidity as to independent claims 1, 30, and 39 of Patent No. 7,555,267 (the "'267 Patent"). Upon questioning from the Court at the hearing on April 3, 2014, Apple clarified that it was also moving for invalidity as to asserted dependent claims 13, 18, 31, and 42 of the '267 Patent. Later at the same hearing, Apple withdrew its assertion of invalidity as to claim 42 of the '267 Patent. The Court asked GPNE Corp. ("GPNE") whether asserted dependent claims 13, 18, and 31 include any "different frequencies" or "multiple frequencies" limitations that would render the claims valid. GPNE indicated that claims 13, 18, and 31 do not have any "different frequencies" or "multiple frequencies" limitations that would render the claims valid. However, because Apple did not explicitly move on dependent claims 13, 18, or 31 in its motion, the Court will allow GPNE to file an additional brief of no more than 3 pages to identify any limitations in dependent claims 13, 18, or 31 that render these claims

ORDER ALLOWING GPNE ADDITIONAL BRIEFING ON INVALIDITY

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United States District Court For the Northern District of California

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valid no	otwithstanding	Apple's ar	gument that	t independent o	claims 1,	30, and 3	9 are in	valid. <i>I</i>	Any
such bri	ef must be file	ed no later	than Tuesda	ny, April 8, 201	14.				

O ORDERED.

pril 4, 2014

United States District Judge

Lucy H. Koh